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September 29, 2021

VIA ECF

Honorable John G. Koeltl, U.S.D.J.
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED**

DR 6/1/21
John G. Koeltl, U.S.D.J.
9/29/21

Re: Business Casual Holdings, LLC v. TV-Novosti
Case No. 1:21-cv-02007-JGK

Dear Judge Koeltl:

The undersigned attorneys for Defendant TV-NOVOSTI (“Defendant” or “TV-N”) submit this letter motion pursuant to Rule I-E of Your Honor’s rules and practices to request a one week extension of time to file its reply to Plaintiff Business Casual Holdings, LLC (“Plaintiff”)’s Memorandum of Law in Opposition to Defendant’s Motion to Dismiss (ECF Doc. Nos. 29-31, 36). By this letter motion, Defendant also requests leave to file physical copies of Plaintiff’s videos.

Defendant’s initial deadline to file its reply papers was **September 24, 2021**. By Order dated September 6, 2021, the Court granted Plaintiff’s request for a two-week extension to file its opposition to Defendant’s motion to dismiss, and consequently adjourned Defendant’s deadline to file its reply papers to **October 5, 2021** (ECF Doc. Nos. 33 & 34). Defendant has not previously requested an extension of time in connection with this motion, but now seeks a one-week extension such that Defendant will file its reply on or before **October 12, 2021**. Counsel of Record for Plaintiff has consented to this request and no other scheduled dates will be effected.

Additionally, Defendant requests leave to file physical copies of the two (2) video works created or owned by Plaintiff and at issue in this copyright dispute. Defendant previously requested and the Court granted leave to file physical copies of the two allegedly infringing video works created by Defendants (ECF Doc. Nos. 28 & 32). Since Defendant’s motion asserts fair use as a threshold defense, the Court will be required to compare the parties’ respective video works. While Plaintiff’s videos are publically available for viewing on YouTube at URLs identified in the First Amended Complaint and in Defendants’ motion papers, physical copies of Plaintiff’s works have not yet been submitted to the Court. However, as with Defendants’ videos, digital files encompassing Plaintiff’s video works are too large to upload via PACER/ECF.

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Accordingly, Defendant requests leave to file each of the allegedly infringing videos with the Clerk of the Court by way USB flash drive and/or compact disc (one video per drive/disc), and that the same be deemed filed *nunc pro tunc*. Copies would be physically sent to the Court at the same times as courtesy copies of the parties' respective memoranda and supporting papers are provided to the Court in accordance with Your Honor's individual practices.

Therefore, Defendant respectfully requests that the Court grant Defendant's dual requests for (a) an extension of time to file reply, and (b) leave to file Plaintiff's videos in physical form.

We thank the Court in advance for its consideration of this request.

Respectfully,

GOTTLIEB, RACKMAN & REISMAN, P.C.

A handwritten signature in black ink that reads "Marc P. Misthal".

/s/
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cc: All Counsel of Record via ECF